

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DISENIA CANCEL,

*Plaintiff,*

No. 08 C 951

vs.

Judge Shadur

CITY OF CHICAGO and JODY WEIS,  
SUPERINTENDENT of POLICE,

*Defendants.*

**CITY OF CHICAGO'S AND SUPERINTENDENT JODY WEIS'  
MOTION TO DISMISS**

Defendants the City of Chicago ("City") and Superintendent Jody Weis, (collectively, "Defendants"), by and through their undersigned counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move to dismiss Plaintiff's Class Action Complaint, on the ground that it fails to state a claim upon which relief can be granted. The grounds for this motion are set forth in Defendants' Memorandum in Support of its Motion to Dismiss, incorporated herein by reference and filed simultaneously herewith.

WHEREFORE, Defendants the City of Chicago and Superintendent Jody Weis pray that this Court grant their motion to dismiss Plaintiff's Class Action Complaint with prejudice, and award fees and costs and such other and further relief as this Court deems just and proper.

Dated: March 13, 2008

Respectfully submitted,  
**THE CITY OF CHICAGO and  
SUPERINTENDENT JODY WEIS**

By: s/ Allan T. Slagel  
One of their Attorneys

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